

A FEDERAL JUDGE ACCUSED.

HOUSE ORDERS AN INVESTIGATION OF CHARLES SWAYNE.

Judge for Northern District of Florida Accused on the Floor of the House of High Crimes and Misdemeanors and of Corruption and Incompetence.

WASHINGTON, Dec. 10.—Mr. Lamar (Dem., Fla.) presented in the House to-day a joint resolution, including a joint resolution charging Charles Swayne, Judge of the District Court for the Northern District of Florida, with absenteeism, corrupt conduct, ignorance and incompetence, and calling on the Florida Representatives in Congress to institute impeachment proceedings against him. The resolution directed the Committee on the Judiciary to investigate the charges and report whether impeachment proceedings should be instituted.

Mr. Lamar said that the accusation against Judge Swayne came not by private memorial, but by arrangement by the legislative department of Florida. The precedents, he said, in like cases warranted his asking the House to adopt the resolution at once.

Gen. Grosvenor (Rep., Ohio) said that the House ought to be very careful about its action in this case. If it could be carried on in its present condition, he said, the Legislature of any State could inaugurate impeachment proceedings against any Federal officer. In his opinion, specifications and charges should be made against the Judge, to warrant the House in proceeding.

Mr. Lamar said that if it would meet Gen. Grosvenor's views he would, in his place, charge Judge Swayne with high crimes and misdemeanors. First, in persistent, continued and malicious absenteeism; second, corrupt official conduct in several cases; third, maladministration of affairs in his court, so much so as to embarrass the Government and to violate the assets of litigants within his jurisdiction.

Mr. Dalzell (Rep., Pa.) suggested that the resolution in its present form would simply direct the Judiciary Committee to go upon an exploring expedition, to find out whether crime had been committed somewhere by somebody.

Mr. Fuller (Rep., Ill.) said that the resolution should be voted down. The present action of the public could not be put upon trial without a presentation of details of the charge against him. Until some Representative would arise in the House and charge this Judge with specific offenses, which he might intelligently meet, he should not be put on trial by the House or by a committee of the House.

Mr. Williams (Dem., Miss.) quoted the case of Samuel Chase, an Associate Justice of the Supreme Court, who was impeached in 1805. He said that upon a much more general and indefinite statement by John Randolph the House had adopted a resolution appointing a committee to investigate his conduct.

Mr. Clayton (Dem., Ala.) said that impeachment proceedings were never inaugurated in the United States upon such indefinite charges as are required in drawing an indictment. He quoted a resolution offered in the Fifty-fourth Congress to impeach charges against Judge Boardman of Louisiana, asserting that it was exactly in point with the pending resolution; that Mr. Lamar had called every requirement of technical special pleading.

A motion by Mr. Lacey (Rep., Ia.) to refer the resolution to the Committee on the Judiciary was lost—53 to 129.

The resolution was then adopted with practical unanimity.

Mr. Van Vorst (Rep., Ohio) reported the General Pension Appropriation bill for the year 1904-05 and gave notice that he would call it to the floor on Monday next.

The bill carries an expenditure of \$138,152,000, as against \$139,847,000 for the present year. The amount appropriated is only \$2,695,000 in excess of the estimate of the Commissioner of War.

Mr. Tawney (Rep., Minn.), from the Committee on Indian Affairs and Expenditures, reported a resolution accepting the invitation for a committee of Congress to attend the centennial of the Louisiana Purchase at New Orleans on the 20th anniversary of the Louisiana Purchase.

By Mr. Needham (Rep., Cal.)—Providing that Congress shall meet on the first Monday in December in the year 1904, and on the second Monday in November in each odd-numbered year.

By Mr. Bell (Dem., Cal.)—Imposing a tax of one-tenth of a cent per gallon upon pure wine produced in the United States and exported and 20 cents a gallon on compound wine.

By Mr. Williams (Dem., Miss.)—To empower the Interstate Commerce Commission to fix passenger and freight rates of railroads held to be unreasonable, and making such rates the established rates during pendency of litigation.

By Mr. Gillett (Rep., Mass.)—Six bills, by request, providing for the retirement of superannuated and feeble clerks in the employ of the Government.

By Mr. Curtis (Rep., Kan.)—To provide for the election of a Senator from Kansas from Indian Territory.

By Mr. Grosvenor (Rep., Ohio)—To define the meaning of the word "conspiracy" and restraining orders and injunctions in certain cases.

By Mr. Morrill (Rep., Pa.)—Providing for the appointment of a commission to revise the financial laws of the United States and report a substitute.

By Mr. Pringle (Rep., Ill.)—A resolution requesting the Secretary of the Treasury to transmit to the House the names of the national banks which have held United States deposits other than deposits of disbursing officers, together with the average amounts of deposits so held.

JUDGE SWAYNE'S SIDE OF IT.
His Son-in-Law of This City Tells of the Origin and Motive of the Charges.

Gardner W. Kimball, secretary of the Registration and Trust Company of this city, is son-in-law of Judge Swayne. Mr. Kimball, when seen at his office at 43 Cedar street, to-day said:

"This is the second attempt made by the Florida Legislature to prefer charges against Judge Swayne, and, as in the first instance, the charges as recited in the Florida memorial are entirely false, and based solely upon political intrigue. The first impeachment of charges was made in 1883, growing out of the prosecution by the Federal Court of election frauds. Congress refused to consider the charges. The present attempt was instigated by a banker of the name of O'Neill, who is more or less active in politics, and who has recently been adjudged in contempt by the Federal Court for assaulting an officer of that court in the discharge of his duty and sentenced by Judge Swayne to six days in jail."

"The memorial was passed by the Legislature of Florida without making the slightest investigation of the merits of the charges. Without attempting to give any proofs, the memorial charges Judge Swayne with absenteeism and incompetence. As to the first, Judge Swayne has always lived in his district, and is absent only during his summer vacation, which he spends with his aged mother at her home in New York. During the two months that he is north he frequently makes special trips to his district to head off elections. He was a resident of Florida and paid law there for several years before being appointed to the bench."

"Judge Swayne has held court in more States than any other Federal District Judge, including Florida, Texas, Alabama, and Louisiana. The work in his own district is light and the Circuit Court of Appeals frequently assigns him to hold court outside of the State."

"The charges of incompetency are absurd. Clerk Hodges of the District Court recently compiled some figures showing that out of upward of 2,000 cases, only about thirty-five were appealed, and of those appealed only in five instances were the decisions of the lower court reversed. At the time the first attempt was made to prefer charges the Bar Association of the Judge's district passed a resolution denouncing the attempt and upholding him."

THE DECISIONS OF THE LOWER COURT REVERSED.

SENATE PROCEEDINGS.

WASHINGTON, Dec. 10.—The Senate was in session to-day only forty minutes, and most of this time was consumed in routine business. A discussion arose over the question whether the resolution offered by Mr. Hoar (Rep., Mass.) calling for information regarding the revolution at Panama took precedence as morning business over the Cuban bill. The matter was finally settled by letting the Hoar resolution go over, subject to his call.

Mr. Mitchell (Rep., Ore.) gave notice that next Thursday, the day following the vote on the Cuban bill, he would call up his bill making an appropriation for the Lewis and Clark Exposition at Portland, Ore.

These bills were introduced: By Mr. Foraker (Rep., Ohio)—To make applicable the provisions of the naturalization laws of the United States to Porto Rico, to provide a government for the island of Tutuila and adjacent islands, to provide a government for the island of Guam.

By Mr. McBurney (Rep., N. Y.)—To forbid liquor selling in Government buildings.

WOOD'S EXPENDITURES IN CUBA.
Secretary Root Asks That Senate Resolution for Printing Report Be Repealed.

WASHINGTON, Dec. 10.—The following letter from Secretary Root to Senator O. H. Platt, chairman of the Senate Committee on Relations With Cuba, in regard to the printing of Gen. Wood's Cuban account, was made public to-day at the War Department:

"You will recall that the itemized accounts, showing in detail the receipts and expenditures of the Military Government of Cuba, from the date of the evacuation by Spain, Jan. 1, 1899, to June 30, 1900, have been printed by Congress as public documents. Similar acts, showing receipts and expenditures down to the close of the American occupation on May 20, 1902, and showing the receipts and expenditures of the Military Government of Santiago during the year 1898 were furnished to Congress about a year ago, and on Feb. 18, 1903, the Senate passed the following concurrent resolution:

"Resolved, by the Senate (the House of Representatives concurring) that there be printed 2,000 copies of the report of the War Department on the receipts and expenditures in Cuba, 1,000 copies for the use of the House of Representatives, 500 copies for the use of the Senate, and 500 copies for the use of the War Department."

"The resolution went to the House, and was passed by the House to which it was referred, but failed to come to a vote in the House during the last Congress."

"I beg that you will secure the repealing of this resolution by the Senate. In my letters to you last January I urged the printing of these accounts upon your committee to investigate his conduct."

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WOOL ASSOCIATIONS CONFERENCE.
They Agree to Oppose the Pending Treaties With Argentina and France.

WASHINGTON, Dec. 10.—After being separated for a number of years by disagreements, the National Wool Growers' Association and the National Association of Wool Manufacturers have come together again in a series of conferences held in Senator Warren's committee room in the Capitol yesterday and to-day. The conference was called to discuss pending treaties with Argentina and France which, it is contended, vitally affect the wool industry, but the discussion covered a number of other subjects.

It was agreed at the conference that both associations would emphatically oppose the two treaties named, on the ground that they would be most disastrous to the wool interests. The manufacturers brought up the Grosvenor Shoddy bill, now pending, and pointed out features of the proposed law that would seriously embarrass the wool manufacturers. They suggested a change in the measure which would obviate in a large degree the dangers which they say the bill contains, and would at the same time effectually regulate the use of shoddy and protect the consumer.

The manufacturers also complained of the slovenly manner in which wool growers prepare their wool for market, and suggested a number of improvements which would be presented to the next convention of the wool growers, to be held in Portland, Ore., on Jan. 11 and 12.

Both of these organizations were formed in 1885 and for years labored together in tariff matters. In the future they will work on a broader scope and hope to accomplish something in the way of more uniform marketing.

Spanish Cruiser at Louisiana Purchase Celebration.
WASHINGTON, Dec. 10.—The Spanish Government has notified the State Department that the third class cruiser Rio de la Plata will participate in the centennial celebration of the Louisiana Purchase at New Orleans this month.

River and Harbor Improvements.
WASHINGTON, Dec. 10.—Gen. Gillespie, Chief of Engineers of the army, to-day transmitted to the House an estimate of cost, to the amount of \$74,111, for surveying and improving Catskill Creek, New York; \$300,000 for improvements to Oswego (N. Y.) harbor.

MORE MARINES FOR ISTHMUS.

330 GO ON PRAIRIE—ANOTHER BATTALION TO BE RAISED.

When All Are There We Will Have About as Many Men as Are Said to Be in Colombia's Expedition—Shall Panama Assume Part of Colombia's Debt?

WASHINGTON, Dec. 10.—While Government officers continue to assert that they have no further information in regard to the war preparations by Colombia, other than the report brought to La Guayra, Venezuela, by a French steamer that 1,000 Colombian soldiers had been landed at the mouth of the Atrato River, not far from the Isthmian border, they now openly admit that preparations for a hostile contingency are being made by the War and Navy Departments.

The preparatory orders issued several weeks ago to the Ninth and sixteenth regiments of Infantry and the Twenty-eighth Mountain Battery still stand. Orders were issued to-day for the training ship Prairie, which has 350 marines on board, to proceed to-morrow from Guantanamo, Cuba, to Colon, and these orders were followed by the Marine Corps to assemble another battalion of marines as quickly as possible.

From Rear Admiral Glass, the senior American naval officer in Isthmian waters, the Navy Department has learned that he has sent war vessels to patrol the coast of both sides of the Isthmus, those on the Caribbean side going as far east as the Atrato river, at whose mouth Colombian troops are said to have landed. Admiral Glass said that the cruiser Atlanta had been assigned to "get information" in the vicinity of the mouth of the Atrato. These precautionary measures are approved by the Navy Department.

Many army officers believe that the Isthmian situation requires the presence in detail of a considerable body of regular soldiers, but this view is not shared by those in supreme authority, who hold that the marines and blue jackets are capable of handling the situation for some time to come.

The main reason, however, for the unwillingness of the Government to send a considerable body of soldiers to the Isthmus is that too much significance would be attached to such action in foreign capitals.

For the present the preservation of order on the Isthmus and resistance to any attempt by Colombia to invade Panama territory will be left to the marines and the regulars in Isthmian waters.

There is a battalion of 400 marines ashore, and these will be augmented by the 350 marines who will start from Guantanamo to-day to-morrow. The third battalion, to be organized at once, will consist of between 300 and 400 men, so that when it is sent to the Isthmus there will be a total of 1,100 marines. The Isthmian forces organized here will just about equal in number the 1,100 Colombians who are reported to be preparing to start overland from the Atrato river to invade the territory of the Panama republic.

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MIXED UP THE CHINAMAN.

Cop Who Wasn't Sure of His Man on Trial at Headquarters.

Policeman Nicholas Goldman of the West Thirty-seventh street station was on trial at Police Headquarters yesterday for failing to identify a Chinaman whom he had arrested for selling opium. Magistrate O'Brien was the complainant against Goldman.

The policeman applied on Dec. 2 to Magistrate O'Brien then in the West Side court, for a warrant for Lee Son, who keeps a laundry in Seventh avenue. He alleged that the Chinaman had sold him 25 cents worth of opium. Later in the day Goldman arraigned before the Magistrate a Chinaman whose lawyer insisted that Goldman had got the wrong man. The prisoner testified that he was Wong Son and that Lee was his brother, and Goldman admitted that he wasn't sure he had the right man.

Goldman admitted to Deputy Commissioner Davis yesterday that he wasn't sure of his prisoner. He explained that when he went back to the laundry there were several Chinamen in the place and that all looked more or less alike.

Magistrate O'Brien testified that the laundryman arraigned before him had a square face, and an exceptionally wide mouth. He was sure that no other Chinaman resembled him.

Turning to the complainant, Magistrate O'Brien asked: "You were not sure of your prisoner, but still you locked him up. You doubted his identity, so therefore he was innocent."

After reprimanding Goldman further he announced that decision in the case was reserved.

Decision was also reserved in the case of policeman Terence McDowan of the West Forty-seventh street station, who was accused of falsely reporting a rescue at a fire. McDowan said that he carried a man four stories down a fire escape, but the man testified that a fireman carried him down.

WAYS OF THE CAMERA TRADE.
George Eastman a Witness in Action Brought by Local Dealers.

George Eastman, president of the Eastman Kodak Company, testified before Justice Wyatt of the Court of Special Sessions yesterday, in a hearing on the complaint brought by Hastings & Miller, dealers in photographic supplies, at 115 Nassau street, that the Eastman company is an unlawful corporation to destroy competition.

"Does your company control the sale of 90 per cent. of the photographers' supplies manufactured in this country?" De Lancey, Nicol, his counsel asked.

"No," he answered. "But we control about 50 per cent. of the photographic paper."

Was part of his cross-examination by Samuel H. Evans, counsel for Hastings & Miller:

Q. Does your company refuse to sell its supplies to dealers who refuse to trade with you? A. We do, as a rule.

Q. Do you allow one retail dealer to sell your goods to another? A. We do not allow retail dealers to do jobbing if we can help it.

Q. Does the Eastman company sell goods at that price to the wholesale trade? A. Yes, we do.

Walter S. Hubbell, secretary, and Samuel H. Moar, general sales agent, of the Eastman Kodak Company, also testified. The hearing will be continued this morning.

REJECTION OF CANAL TREATY.

Colombia's Action Complete—Report of Committee to Colombia Senate.

WASHINGTON, Dec. 10.—The Department of State has received from Mr. Beaupre, United States Minister at Bogota, the text of the report of the committee of the Colombian Senate on the project of a law to confirm the disapproval of the treaty by the Senate and to authorize the President to make a new treaty.

The report of the committee is to the effect that the rejection of the treaty needs no approval, being a completed act, and that in any case the treaty expired by limitation on Sept. 22. It also disapproves and recommends the indefinite postponement of the proposition to authorize the President to make a new treaty.